UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,272	04/30/2001	Yves, Louis Gabriel Audebert	L741.01103	1050

7590 07/07/2005	EXAMINER
Stevens,Davis Miller & Mosher, LLP	SON, LINH L D

ART UNIT	PAPER NUMBER
2135	

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DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

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Office Action Summary	Application No.	Applicant(s)
	09/844,272	AUDEBERT ET AL.
	Examiner	Art Unit
	Linh LD Son	2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 April 2001*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)	4)☐ Interview Summary (PTO-413)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5)☐ Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date *1/03 3/05 4/05*.	6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is responding to the Amendment received on 04/18/05.

2.   Claims 1, 2, 5, 10-12, 17, and 22 are amended.

3.   Claims 1-23 are pending.

Specification

4.   The attempt to incorporate subject matter into this application by reference to

OCL-1 and OCL-2, as a co-pending application is ineffective because Examiner can not

locate the copending application.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

6.   Regarding claims 1, 12, and 17, the acronym "APDUs" renders the claim(s)

indefinite because neither the specification or the claim language provide a

comprehensive definition of the acronym. Examiner assumes that it means "Application

Protocol Data Unit". Appropriate change is necessary.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8.   Claims 12-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Chan et al, US Patent No. 6005942, hereinafter "Chan". The reference is cited in the IDS filed on 10/19/01.

9.   As per claims 12 and 17, Chan discloses "A method for transferring proprietary information through a communications pipe between at least a first remote computer system and at least a personal security device using a local client as a communications host for said PERSONAL SECURITY DEVICE" in (Col 10 lines 16-26), said method comprising:

"establishing a communications pipe between said PERSONAL SECURITY DEVICE and said first remote computer system over at least one network and using said client as a communications host for said PERSONAL SECURITY DEVICE" in (Col 10 lines 16-26), "wherein said client and said remote computer system are in functional communication using a packet based communications protocol over said network, and wherein transmitting a message from said remote computer system to said personal security device through said communications pipe comprises: generating a message on said remote computer system" in (Col 10 lines 16-26), "wherein said message is in a non-native protocol for communicating with said personal security device and said message is generated by an API Level Program, converting on said remote computer system said message from said non-native protocol into an APDU format message

using a first server data processing means" in (Col 6 lines 1-17 and Col 17 lines 55-64),

"encapsulating on said remote computer system said APDU format message into said

packet based communications protocol producing an encapsulated message, using a

second server data processing means, transmitting said encapsulated message over

said network using said packet based communications protocol, receiving by said client

said encapsulated message sent over said network, processing said encapsulated

message using a first data processing means to separate said APDU format message

from said encapsulated message" in (Col 17 lines 45-67), and "routing on said APDU

format message through a hard device port assigned to a personal security device

Interface, independently of the origin and integrity of said encapsulated message,

wherein said personal security device interface is in processing communication with

said personal security device" in (Col 18 lines 48-65);

"Retrieving said proprietary information from a storage location by said first remote

computer system, processing said proprietary information by said first remote computer

system, transmitting said proprietary information through said established

communications pipe to said PERSONAL SECURITY DEVICE" in (Col 19 lines 1-20,

and lines 45-62), "receiving said proprietary information through said communications

pipe from said first remote computer system by said PERSONAL SECURITY DEVICE,

and storing said proprietary information in a memory location inside said PERSONAL

SECURITY DEVICE, using at least one embedded internal algorithm" in (Col 19 lines

45-62).

10.   As per claim 13, Chan discloses "the system according to claim 12, wherein said storage location is local to said first remote computer system" in (Col 1 line 55 to Col 2 line 20).

11.   As per claim 14, the system according to claim 12, "wherein said storage location is local to at least one subsequent remote computer system" in (Col 1 line 55 to Col 2 line 20).

12.   As per claims15, 18, and 20, "the system according to claims 12, and 17, wherein said established communications pipe employs an open communications protocol" in (Col 1 line 55 to Col 2 line 20).

13.   As per claims 16, 19, and 21, "the system according to claims 12, and 17, wherein said established communications pipe employs a secure communications protocol" in (Col 1 line 55 to Col 2 line 20).

14.   As per claims 22 and 23, "the method according to claim 17, and 22, further comprising; encrypting said proprietary information by said first remote computer system prior to transmitting said proprietary information through said communications pipe, and decrypting said encrypted proprietary information after receiving said proprietary information through said communications pipe by said PERSONAL SECURITY DEVICE" in (Col 19 lines 1-25, and lines 46-63).

Claim Rejections - 35 USC § 103

15.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

16.   Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Chan.

17.   As per claim 1, Chan discloses "A system for transferring proprietary information

through a communications pipe established between at least a first remote computer

system and at least a personal security device using a local client as a communications

host for said personal security device" in (Col 10 lines 16-26), said system comprising:

"at least one network, wherein said network includes means for functionally connecting

at least one local client with said at least one first remote computer system" in (Col 10

lines 16-26);

"said local client further comprising means for functionally connecting to a personal

security device Interface and said network, means for functionally communication over

said network with said remote computer system" in (Col 5 lines 57-65, and Col 10 lines

16-26) and;

"means for establishing a communications pipe, said means for establishing a

communications pipe comprising: client communications means for transmitting and

receiving message packets over said network using a packet based communications

protocol, and for transmitting and receiving APDUs through said personal security

device Interface" in (Col 10 lines 16-26);and

"second client data processing means for receiving incoming APDUS from said

personal security device interface, encapsulating said incoming APDUS into outgoing

message packets and routing said outgoing message packets to said remote computer

system through said client communications means" in (Col 18 lines 55-65);

"said at least one personal security device further comprising at least one embedded

personal security device application, a microprocessor, a runtime environment and at

least one internal memory location, wherein said embedded application receives

proprietary information through said established communications pipe and stores said

information in said internal memory location and wherein said personal security device

is functionally connected to said client and is functionally communicating with said client

and said first remote computer system through said established communications pipe"

in (Fig 1, Col 1 line 55 to Col 2 line 20); and "said at least one first remote computer

system further comprising means for transferring said proprietary information from a

storage location through said established communications pipe, wherein said first

remote computer system is functionally connected to said network and is functionally

communicating with said client and said personal security device through said

established communications pipe" in (Col 1 line 55 to Col 2 line 20, Col 10 lines 16-26

and lines 46-55, and Col 18 lines 55-65).

Further, Chan discloses a method of routing to the Personal security device, and

decrypting all information at the Personal security device in (Col 5 lines 8-20, Col 10

lines 16-26, and lines 45-60).

However, Chan is silent on "first client data encapsulated means for receiving incoming

message packets from said remote computer system using said client communications

means separating encapsulated APDUs from said incoming message packets thus

generating des-encapsulated APDUs and routing said des-encapsulated APDUS to said

personal security device through said personal security device Interface independently

of the origin and integrity of said incoming message packets";

Nevertheless, it would have been obvious at the time of the invention was made for one

having ordinary skill in the art to modify Chan's invention to des-encapsulation the

APDUS command from the terminal computer instead at the personal security device to

reduce the processing time at limited resource personal security device smart card and

then route the APDUs command to the security device for execution.

18.   As per claim 2, "the method according to claim 1, further comprising; encrypting

said proprietary information by said first remote computer system prior to transmitting

said proprietary information through said communications pipe, and decrypting said

encrypted proprietary information after receiving said proprietary information through

said communications pipe by said PERSONAL SECURITY DEVICE" in (Col 19 lines 1-

67).

19.   As per claim 3, Chan discloses "the system according to claim 1, wherein said

memory location is an open location" in (Col 1 line 55 to Col 2 line 20).

20.   As per claim 4, Chan discloses "the system according to claim 1, wherein said

memory location is a secure location" in (Col 1 line 55 to Col 2 line 20).

21.   As per claim 6, Chan discloses "the system according to claim 1, wherein said

storage location is local to said first remote computer system" in (Col 1 line 55 to Col 2

line 20).

22.   As per claim 7, Chan discloses "the system according to claim 1, wherein said

storage location is local to at least one subsequent remote computer system" in (Col 1

line 55 to Col 2 line 20).

23.   As per claim 8, Chan discloses "the system according to claim 1, further

comprising means for functionally connecting said first remote computer system with at

least one subsequent remote computer system" in (Col 1 line 55 to Col 2 line 20).

24.   As per claim 9, Chan discloses "The system according to claim 8, wherein said

subsequent remote computer system is functionally connected to said network and is

functionally communicating with said first remote computer system using said network"

in (Col 10 lines 16-26).

25.   As per claims 10, Chan discloses "the system according to claims 1, wherein

said established communications pipe employs an open communications protocol" in

(Col 1 line 55 to Col 2 line 20).

26.   As per claims 11, Chan discloses "the system according to claims 1, wherein

said established communications pipe employs a secure communications protocol" in

(Col 1 line 55 to Col 2 line 20).

Response to Amendment

27.   Applicant has amended claims 1, 2, 5, 10-12, 17, and 22, which necessitated

new grounds of rejection. See Rejections above.

Conclusion

28.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Linh LD Son whose telephone number is 571-272-3856.

The examiner can normally be reached on 9-6 (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Linh LD Son
Patent Examiner

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